

Message Text

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ACTION EB-08

INFO OCT-01 EA-07 ISO-00 FMC-01 OES-06 COME-00 OPIC-03 L-03

CIAE-00 INR-07 NSAE-00 DOTE-00 /036 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 5891

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E O 11652: NA

TAGS: EWWT, RP

SUBJ: SHIPPING: FLAG DISCRIMINATION ON P.D. 894

1. GOP HAS INTRODUCED A NEW CONSULAR INVOICE FORM, AND SOME GOP CONSULATES ABROAD APPARENTLY HAVE ISSUED DETAILED INFORMATION WITH THE NEW FORMS WHICH STATES THAT GOODS SHIPPED TO GOP AGENCIES OR CORPORATIONS AS WELL AS TO ANY PERSON OR COMPANY ENJOYING ANY TAX EXEMPTION, INCENTIVE OR SUBSIDY FROM THE GOP SHOULD BE LOADED ON PHILIPPINE FLAG VESSELS. THIS WAS REPORTED, FOR EXAMPLE, IN THE LIVERPOOL JOURNAL OF COMMERCE ON DECEMBER 29.

2. WE HAVE INFORMALLY SOUGHT CLARIFICATION OF THE REPORT FROM THE DFA OFFICE OF ECONOMIC AFFAIRS, AND ITS DEPUTY CHIEF, MRS. DELORES SALES, HAS ASSURED US THAT PD 894 WAS NOT BEING IMPLEMENTED AND REPORTED THAT SHE COULD FIND NO SUCH DETAILED INFORMATION AT THE DFA. SHE TOLD US THAT CURRENT DFA INSTRUCTIONS TO CONSULS ARE EMBODIED IN FOREIGN SERVICE CIRCULAR NO. 765 OF FEBRUARY 27, 1958 AND IN FOREIGN SERVICE CABLE (FSC) 157-76 OF MAY 28, 1976. THE FIRST INSTRUCTIONS PERTAIN TO GOODS CONSIGNED TO GOP ENTITIES AND TO PERSONNEL OF THE HOME OFFICE AND THE FOREIGN SERVICE ON OFFICIAL TRAVEL.

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3. FSC 157-76 PROVIDES THAT, PENDING THE ISSUANCE OF IMPLEMENTING REGULATIONS FOR PD 806 AND 894, THE FOLLOWING GUIDELINES ARE TO BE ADHERED TO: (I) SHIPMENTS CONSIGNED TO GOP AGENCIES OR GOP-OWNED OR CONTROLLED CORPORATIONS SHOULD BE LOADED ON PHILIPPINE FLAG CARRIERS OR SHIPPING LINES; AND (II) THE TERM "PHILIPPINE FLAG AIR CARRIERS AND SHIPPING LINES"

SHALL NOT INCLUDE AIR CARRIERS AND VESSELS OF PHILIPPINE REGISTRY THAT ARE LEASED OR CHARTERED BY FOREIGN NATIONALS. FYI. FOREGOING HAS BEEN ISSUED IN BRUSSELS BY GOP CONSUL GENERAL TOMAS T. SYQUIA.

4. COMMENT: MRS SALES' ASSURANCES, HOWEVER, CLASH WITH OCCASIONAL REPORTS FROM THE U.S. THAT SHIPPERS OR IMPORTERS HAVE TO OBTAIN WAIVERS FROM THE PHILIPPINE CONSUL FOR THE SHIPMENT OF CCC-FINANCED CARGOES OF COTTON ON NON-RP VESSELS. ONE IMPORTER HAS TOLD US THAT HE HAS SOLVED THE PROBLEM BY GIVING ONE SHIPMENT OF COTTON TO THE MARITIME COMPANY OF THE PHILIPPINES (MPC) WHICH IN TURN GRANTS HIM WAIVERS FOR TWO SHIPMENTS. THE LATTER TWO SHIPMENTS GO VIA CONTAINER.

5. IT IS OUR UNDERSTANDING THAT THE PHILIPPINE CONSUL CHECKS WITH THE MCP AGENT BEFORE HE ISSUES A WAIVER OF NON-AVAILABILITY OF PHILIPPINE FLAG VESSELS. DURING A TRIP TO MANILA LAST FALL VICENTE JAYME, MCP REP IN SAN FRANCISCO, TOLD AN EMBOFF ABOUT HIS POWER TO GRANT WAIVERS. (HE IS AN AMERICAN CITIZEN BY HIS OWN STATEMENT).

6. PERHAPS THE DEPARTMENT SHOULD CONSIDER ASCERTAINING WHETHER THE GOP CONSULATES IN THE UNITED STATES ARE IMPLEMENTING P.D. 894 AND WHAT THE ROLE OF PRIVATE U.S. CITIZENS ACTING AS MCP REPS OR AGENTS HAS BEEN IN THIS REGARD. IF THE GOP CONSULS REPORT THE APPROACHES BACK TO THEIR EMBASSY OR TO DFA, SUCH LIMITED OFFICIAL USE

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REPORTS MIGHT BE HELPFUL IN REINFORCING THE INFORMAL APPROACHES WHICH WE HAVE BEEN MAKING IN OUR EFFORT TO GET THE GOP TO AMEND P.D. 894.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIPS, DISCRIMINATION
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Executive Order: N/A
Errors: N/A
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Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3355586
Secure: OPEN
Status: NATIVE
Subject: SHIPPING: FLAG DISCRIMINATION ON P.D. 894
TAGS: EWWT, RP, (SALES, DELORES)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/e35474c8-c288-dd11-92da-001cc4696bcc
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